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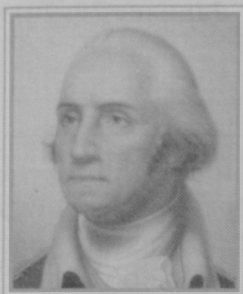
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“Wellness Wednesdays” Program Begins at GW Law

By NICHOLAS G. NIKIC

SBA Student Wellness and Programming Committee Chairman

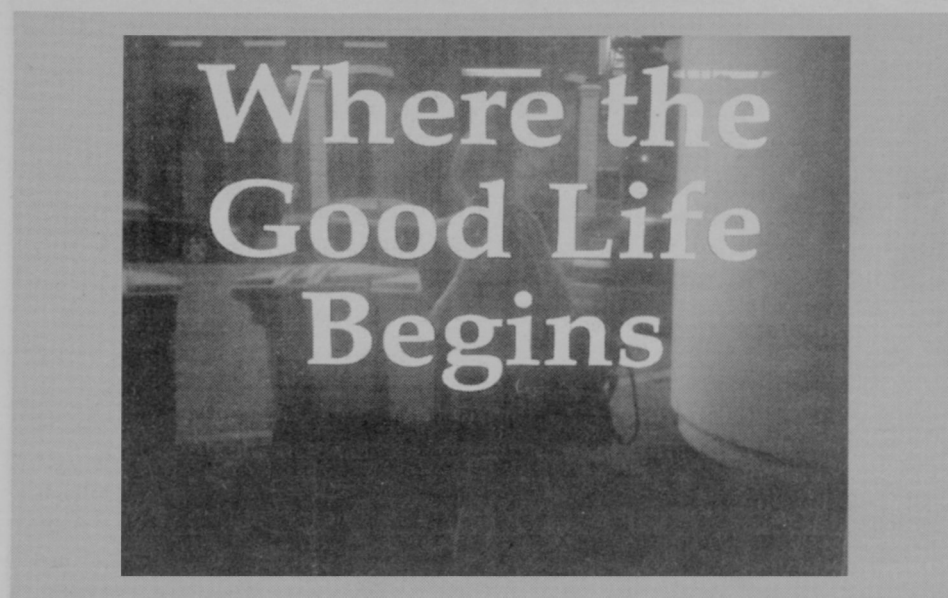
In order to continue to promote a culture of student mental health on campus, the SBA Senate Student Wellness and Programming Committee is kicking off a pilot program, “Wellness Wednesdays.” The program will consist of weekly and monthly events, on a repeating schedule, that will provide stress-relief outlets for students at the Law School.

The Wellness Wednesday kickoff panel discussion will be held on Wednesday, January 19, 2011, at 1:30 p.m. in the Jacob Burns Moot Court Room. The panel will consist of Dr. Matt Knauer, a clinical psychologist who has experience working with law students in Washington, DC, Dean Renee DeVigne, Professor Todd Peterson, and SBA President Theresa Bowman. After spending some time discussing some mental health issues, the floor will open to students who wish to express concerns, propose ideas, or ask questions of the panelists. Refreshments will be provided. Wellness Wednesdays will

consist of morning and afternoon programming on a repeating schedule every week. Each Wednesday morning, starting January 26, Dr. Sumer-Richards will lead a Mindfulness Meditation group in the conference room of the Student Conference Center from 11:10-11:55 a.m. Students will be able to spend forty-five minutes bringing clarity and context to usher in the rest of their week. No prior meditation experience is necessary.

In the afternoons, the Committee has planned a slate of events on a repeating monthly basis. This semester, the first Wednesday of each month will have cooking competitions; the second Wednesdays have roundtables on student mental health; the third Wednesdays will have team trivia competitions; and the fourth Wednesdays will be Wii Sports days. In addition, the Committee will be planning a monthly nighttime hallmark event to make sure evening students and L.L.M.s don't have to miss out.

The program was prompted by a study conducted by Professor Todd Peterson in collaboration with David Mitchell, Class of 2011 and former SBA Senator. Inspired by their



concerns about the high incidence of substance abuse and depression among lawyers and law students, the SBA Senate passed the David Mitchell Student Mental Wellness Act, which created the Student Wellness and Programming Committee and charged it with working with the Office of Student Affairs and the University psychologist assigned to the law school on creating wellness programming on campus.

Events will be coupled with information regarding mental health issues in the law profession, as well as helpful information about nutrition and wellness.

The Committee is excited to kick off its semester of programs and hopes to have as much student involvement as possible. If students have any questions, comments, or concerns, or if anyone is interested in volunteering, please contact Student Wellness and Programming Committee Chairman, Nick Nikic, at nnikic@law.gwu.edu.

Look out for e-mails about upcoming programming, and flyers on the bulletin boards on campus. We hope to see you at our events!

Photo taken by Katherine Mereand

1L Job Search in Full Swing

By RYAN TAYLOR
News Editor

After December 2, every state and federal judge in Manhattan and Brooklyn listed on Symplicity recieved a letter from New York native Tim Li, a 1L at George Washington Law School. Because 1Ls could not apply for summer jobs until December 1, on that day, Li put approximately 150 letters in the mail, addressed to each of those judges.

In mid-November he met with a counselor at the Career Development Office, and during Thanksgiving break he prepared the letters. “Stuffing the letters and labeling the envelopes took almost two days and filled an entire office box,” Li said. For nearly a week the box sat at his house, waiting for the day when

he was allowed to mail them out.

By December 21, Li had six interviews and a job offer. While some like Li already have jobs, there are many who have barely begun the job search.

“Although many first-year law students think it is appropriate to start panicking if they don't have a summer job lined up by the beginning of the spring semester, this is not the case,” said the CDO counselors in a joint statement to *Nota Bene*. “Practically every single GW Law 1L who looks for a meaningful summer opportunity — be it with a judge, a government agency, a small law firm, a non-profit organization, or for a professor as a research assistant — finds one.”

While encouraging students at all stages of the job search, the

CDO indicated that at this point in the job-search process, 1Ls should have a legal resume and a cover letter template that can be tailored to different employers.

While most have met with a career counselor in the CDO already, it is not too late to make an appointment. Students who have not yet met with a career counselor should call the CDO or stop by Burns 310 to schedule an appointment, where they can get resume and cover letter advice, discuss the process of career planning, and find out about the helpful job search resources available to law students at GW.

Like Li, 1L Julia Jarrett started her job search early. By mid-November she had her resume together and had already done some research. Jarrett got her first ten

applications in early January and still has twenty-five more on her list.

“It's a little frustrating to be banging down doors and go through a really competitive process to work for free but I understand that that's the game,” Jarrett said.

The CDO understands this kind of frustration, but emphasizes that it is part of the educational experience.

“Remember, your 1L job search, much like every other job search you will do while you are in law school and as an attorney, is a marathon, not a sprint,” the CDO said. “And more importantly, it is also not a competition. Just because one of your friends has already secured a position does not mean that you are out of luck!”

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NEWS

NOTA BENE

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NOTA BENE IS A BI-WEEKLY STUDENT PUBLICATION AT THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL. NOTA BENE SERVES AS A FORUM FOR NEWS, FEATURES, AND OPINIONS IN THE LAW SCHOOL COMMUNITY.
WE SEEK SUBMISSIONS FROM ALL AT GW LAW.

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Li, on the other hand, said that luck has a lot to do with it. "I think I was very lucky because even after the interviews, many of the judges still asked for grades, but one of the judges gave me an offer almost immediately after the interview, which I accepted," he said.

Whether lucky or not, 1L's can find ways to increase their chances of getting a job that they enjoy. Li used the interests section of his resume to set himself apart. Every interviewer asked him about one of the interests he listed: ballroom dancing. Li said he thinks it gave them a reason to schedule an interview.

Jarrett's strategy is to widen her search. She wanted to stay in Washington where she owns property and where her husband has a job. But because she is only applying to criminal law internships, which are limited by nature, she is now looking in other areas of the country, where she has family that she could live with—mostly on the West coast.

"Hopefully this will help my chances, but who knows; these types of offices do not always take 1Ls," Jarret said.

The CDO suggested other resources students can tap into.

"[M]eet with your career counselor [again] to make sure your resume and cover letter are ready to go, network with your existing contacts and make new ones, apply for positions through Symplicity, the CDO listservs, Outside Placement, and other resources, and, most importantly, keep up your spirits," the CDO said.

"We encourage 1Ls to approach career planning throughout law school like they would any important task. If you devote time and attention to it you will see results!"

Students Break for Ski Trip Over MLK Weekend

BY BRITTANY BISNOTT
Staff Writer

It's 9 p.m. on Saturday, January 15 and Christine Mundia can finally relax in her resort cabin. As the person in charge of organizing the 2011 GW Law Ski Trip, her job is now over. Everyone has been checked in, and she can enjoy the long weekend.

Every year, GW SBA hosts a ski trip over Martin Luther King, Jr. Day weekend. This year, over 170 students staying in twenty-two cabins made their way up to Slaty Fork, West Virginia to spend 3 nights at Snowshoe Mountain Resort. Some rode the bus provided by the school, others borrowed, rented, or drove their own vehicle, but all crossed two states just to get away.

While students pay for the trip in November, Mundia had been handling the logistics of this event since June of last year because that was when the first deposit was due. She has been making preparations and acting as the liaison between GW SBA and the resort. Even SBA President Theresa Bowman says that all credit goes to Mundia.

Bowman was also hard at work over the weekend helping with the event. To her, the hardest part of the planning was organizing the goodie bags. She had to divide boxes of popcorn, macaroni, and granola bars into bags for each cabin.

Bowman is not a skier, but she enjoyed her weekend and wishes she could have gone all three years of law school. In her 1L

year, the ski trip fell on inauguration weekend, and as someone who grew up in DC, her "political sensibilities won out" and she stayed in the city. Last year was a great time for her, and this year she said that after helping plan the event she just had to go.

As a first-time attendee on the trip, my only plan has been to ski as much as my body will let me and hang out with great people before I close out my law school career. Every year, I've heard great things from numerous people.

On the one hand, attendees said amazing things about the skiing. I for one spent day one with Darren Sturges skiing in mild weather, light snow, on powdery runs. On the other hand, one of

the most talked about parts of the trip is the highly active social scene. At least sixty students made their way to a party in one room on the second on Friday night, and on Saturday most students went to the resort bar, The Connection.

After only twenty-four hours, the participants were already giving rave reviews for Mundia's efforts this year. Not only did Mundia greatly enjoy meeting a lot of new people, especially LLMs, others have been enjoying themselves as well. Sturges, Rushab Sanghvi and Samantha Dworken all enjoyed the opportunity the SBA has provided for students to interact and hang out in a nonacademic setting.

In Sanghvi's opinion, the ski

trip is the biggest event of the semester. While he enjoys Barrister's Ball, the ball is only for one night. What makes this better is that this trip is for three nights.

Dworken, one of the few 1Ls that attended the ski trip last year, returned for another year because she had such a great time. She said she is thankful to her former mentor for encouraging her to attend.

As a former 1L who did not attend the ski trip because my closest friends were not interested in a long weekend in West Virginia, I give kudos to all of the 1Ls that attended this weekend.

"It's well-timed during our year," said Bowman, summing up the weekend. "You get back from winter break and it's really nice to have a weekend before you get into the semester and get lost in all of the things you are doing and your friends are doing. It's really nice to get together and have fun. We're all on a mountain so it's not like we could worry about work if we want to. So it's good clean fun!"

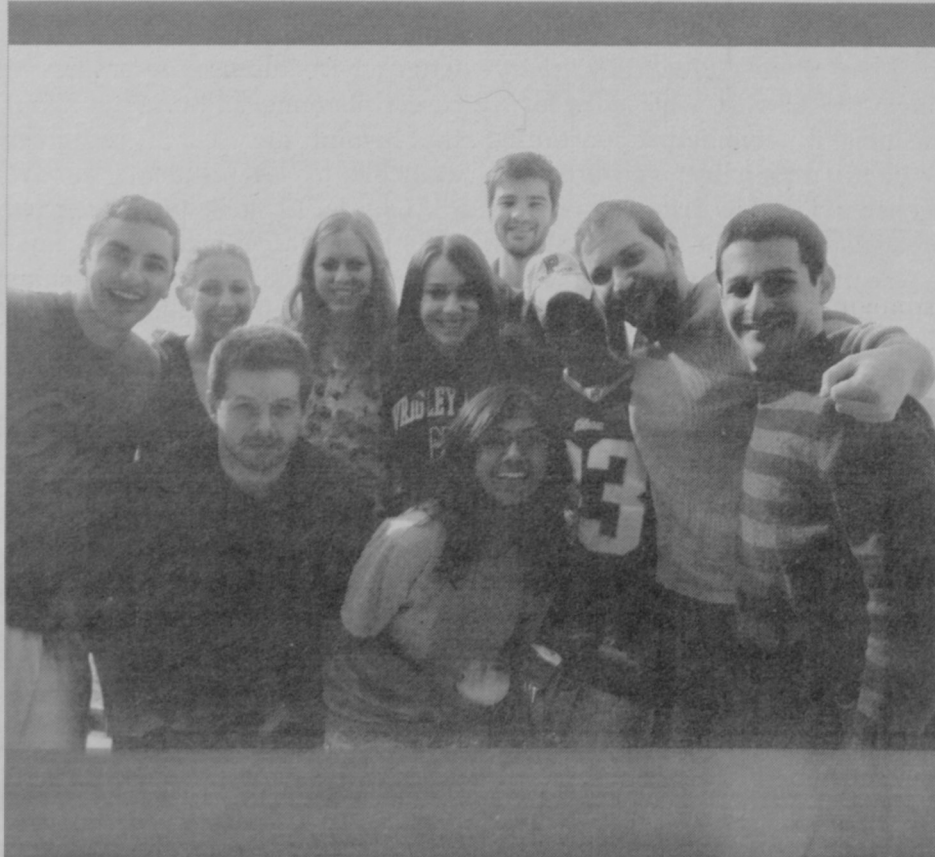


Photo taken by Brittany Bisnott
Back: Mike Ferrario, Megan Zaidan, Katy Kountzman, Theresa Bowman, Chris Healy, Christine Mundia, Donnelly McDowell, Scott Weinstein, Front: Josh Owen, Samhitha Muralidhar

OPINIONS

Talk and Tuscon

By DAVID KEITHLY
Staff Writer

Words are powerful—though that power is not intrinsic. There is no more power in a closed dictionary than any other neglected book. It is only when the pages open that the words come alive. These living words have the power to travel through time and space, into hearts and minds. Like seeds they can sprout, and if cared for grow into forests of ideas. Words are powerful, not because of what they are, but because of what they have the power to do.

A week ago a shooter opened fire on a crowd that had gathered at a Safeway in Tucson, Arizona to meet their congresswoman. In one horrible moment of violence, six people were killed and many more wounded, including Congresswoman Gabrielle Giffords. Almost before the initial shock had registered, the hyperactive news channels were already sprinting towards their payday: finding someone to blame.

There is, of course, the obvious target—Jared Lee Loughner, the young man whose name we learned shortly after the massacre, has been accused of the shooting. But in a desperate attempt to make some sort of sense out of a senseless act, the media began search for others who could be dragged in front of an angry nation and made to pay for this horrendous act. The nation wanted someone to blame in addition to the young man who actually pulled the trigger. It's as if the media refused to believe that one man could be capable of inflicting such a wound on an unsuspecting country. The media briefly targeted the gun lobby and conservative talk show hosts before finally setting its sights on the nation's favorite former-beauty-queen-turned-vice-presidential-candidate-turned-Alaska-gubernatorial-quitter-turned-reality-TV-star Sarah Palin.

Throughout her relatively short and colorful career as national icon/pariah, this "mama grizzly" has given pundits on both sides of the aisle plenty to talk about. Perhaps the most salient gift she's given a polarized nation is a catalogue of one-liners that at once capture conservative angst and fuel liberal disdain. There are many that would have us believe that Sarah Palin, with her talk of "targeting" or placing crosshairs on a map over certain congressional districts along with her now famous admonition "don't retreat, reload" is somehow responsible for the tragedy in Tucson. Indeed, there are those who would hold Palin criminally responsible for Loughner's attack. These ideas, in addition to being

ridiculous, are also unspeakably dangerous in our democracy.

Words are powerful—that's one of the reasons they're protected. The First Amendment restricts Congress from making any law "abridging the freedom of speech." With this prohibition, the framers recognized the power and the importance of ideas in a democratic society. They knew that by protecting speech they were ensuring a future of opposition, conflict, and polarization. But it is our ability to hear divergent ideas and to choose between them that makes us a free nation. While many may find Palin's ideas (if not her grammar) to be offensive and ridiculous, it is the freedom to be offensive and ridiculous or brilliant and revolutionary that has allowed our nation to become great. Regardless of the quality or content of Palin's rhetoric, if our nation is to remain great, her right to express herself must never be "refudiated."

But just because speech is protected doesn't mean that everything that can be said necessarily *should* be said, right? Public figures, and particularly those vying for positions of leadership, must be aware of the effects of their words on the hearts and minds of their listeners. While this notion may compel public figures to be responsible in their use of rhetoric, even held to the strictest standard they can only be responsible for the reasonably foreseeable effects of their words. An act like the one committed by Loughner was neither reasonable nor foreseeable. Therefore no amount of responsibility on the part of Palin could have reasonably caused or prevented this kind of outburst. Unless Palin had known about Loughner's instability and had actively encouraged him to attempt to assassinate Giffords in light of that knowledge, we cannot hold her responsible for the unilateral acts of a crazy man no matter how incendiary her rhetoric may have been before the attack.

It's hard to understand how someone like Loughner could commit such a despicable act. Our inability to understand his act leads us to look for answers that make sense. Rather than trying to spread the blame around in an attempt to understand, we should recognize the wisdom in the words of Forrest Gump: "sometimes we all do things that, well, just don't make no sense." Last Saturday a severely disturbed young man did a terrible thing. It wasn't my fault or your fault or even Sarah Palin's fault—it was Jared Lee Loughner's fault.

Free Speech Means People Can Disagree with Yours

By HANNAH GEYER
Managing Editor

In the wake of the attempted assassination of Congresswoman Gabrielle Giffords, Congress introduced several legislative proposals all with the intent of ameliorating the conditions and circumstances that may have led to the shooting. Some are downright hilarious. Republican Representative Louie Gohmert has introduced a bill that would allow members of Congress to carry guns inside the Capitol. (Don't all visitors to the Capitol have to pass through metal detectors? Wouldn't the only people able to shoot Congressmembers be *other* Congressmembers? The logic—it baffles!) Others are wholly impracticable. Republican Representative Peter King has proposed legislation that would banguns within 1,000 feet of federal officials. (What if you're a gun aficionado that lives next door to a Congressperson's D.C. apartment or simply have a restaurant next to your house where officials dine?) Yet others are, sadly, downright unconstitutional.

In a heartbreakingly short-sighted move, Democratic Representative Bob Brady says he intends to introduce legislation that would criminalize the use of threatening imagery against politicians and judges. For the record, I am *wildly embarrassed* that someone who is more or less on my political team wouldn't see free speech snafus all over the place here. The purpose behind the bill, according to Rep. Brady, is to provide the same protection given to the president to, in his words, a "congressman, senator, or federal judge." Leaving aside the fact that Representative Bob Brady refers to all 435 members of Congress as "men," regardless of their actual sex, I can't imagine that such legislation is—even if it is by some stretch of the imagination constitutional—a good idea.

A related article in The Hill suggests that the bill would ban "language or symbols" that could be "perceived" as threatening or inciting violence against federal officials. Uh, *perceived*? Just who is going to be in charge of deciding whether a particular phrase, blog posting, or image falls within the reach of that statute? I literally *never* thought I would say this, but I think I agree with Sarah Palin on one point: political rhetoric has always been heated. Eighteenth century political rhetoric may not sound heated when viewed through our twenty-first century lens ("Sir! You are a scoundrel! I challenge you to a duel forthwith!"), but politics has always sparked passionate—albeit not always wise or productive—

debate and discourse. The difference between then and now is the ability and ease with which people are able to disseminate and access political commentary; the traditional media gatekeepers are no longer as important as they once were. This is good (more participation in democracy!) and bad (totally unhinged rants, for instance, about Obama's place of birth assume legitimacy).

Where will the line be drawn? I generally trust that the government will act not only in good faith, but in the best interests of democracy. But I cannot believe that this statute, if passed, will not be used to trample on some disfavored individuals' and groups' free speech rights. Is creating a map with crosshairs—err, sorry, "surveyor's symbols"—the best way to make a political point? No. Does it add anything valuable to political discourse? No. Use your grown-up words, people. But should it be a crime? No. It's not inciting anyone to violence, and if someone sees those symbols and thinks, "Hey! I should attack a lawmaker," the legal fault lies with that individual, not the creator of the map.

But violent words and conduct do contribute to the overall political atmosphere, and I think it is well within everyone's right to point that out. Suggesting that individuals not create maps insinuating that the best thing to do would be to "take out" politicians isn't trampling on their free speech rights, it's exercising yours. Contrary to a suggestion made in a Facebook argument I recently took part in (I know, I *know*—Internet arguments . . . eyeroll), debating the merits of a particular manner of communicating a message does not mean one wishes to forcibly silence the other. The marketplace of ideas only works when we can say "Hey, Sarah Palin, your map? *Really* inappropriate. The suggestion that people don't retreat, they reload? Possibly really harmful," without the criticized party freaking out and accusing others of trampling on their free speech. Say whatever you like. But don't expect others not to be critical: You're a *proponent* of free speech, aren't you?

OPINIONS

Whither Law School; Whither Law

BY KATHERINE MEREAND
Opinions Editor

"Don't go to law school." Many George Washington Law students have likely heard this, said this, or both. I heard this repeatedly from bar-certified friends before I entered law school, and I hear current students from our school and others tell this to their friends now. I, for one, obviously didn't listen, but I also do not repeat it.

Professor Banzhaf's November 2009 American Bar Association article on this topic to *Nota Bene* recently, presumably asking for a student reaction. Looking at the impact of the economic crisis on the profession, the ABA wrote about the value proposition of going to law school. This article has been generating some discussion and debate amongst the faculty for a while, which isn't surprising because now is the time that the entire profession needs to be thinking about what it means and what it *should* mean to be a lawyer. In their infinite wisdom the ABA essentially told prospective law students: "Don't go to law school."

A direct read of the article would not find that message so directly, and I am sure the author and many readers (read: professors, practicing attorneys, and many students) would say the nuanced message of the article is more akin to "Think very carefully before going to law school because the cost is high and the probability of economic success is instable at best." Instead they suggested students attend cheaper schools.

It would be lovely to think that messaging worked that way, but this is a fool's errand when speaking to young, ambitious people who want to succeed *in life*. Because while we all think we are talking about law school, this conundrum has a lot more to do with the state of our economy over the last several decades. Law has simply become one of the flash points because there has been relatively less change in this industry.

America's job market has become "pay to play," and perhaps it always was. We can see this law through the rankings system, a system that the ABA finds fault with but nonetheless continues to rule the land. Absent a direct personal connection, the best jobs go to students from the best schools. And as Professor William

Henderson of Maurer noted last July, 9.75 percent of the *US News* ranking determination is based on direct per student spending. (Yale spends approximately \$100,000 per year per student. Harvard and Stanford only spend about \$80,000 each.) Professor Henderson's focus and conclusion was that, based on spending alone, Stanford could never overtake Yale for the number one ranking, no matter the caliber of their students. My conclusion is that this reality means it takes money to make money.

Still, telling someone who is ambitious that one door is challenging and risky without showing her another door to try isn't a successful way to keep him or her out of door number one. Students will continue to enter law schools in record numbers until the law schools do not let them in. Law schools will continue to charge high tuition if there are direct incentives to do so. So even if some smart, risk-adverse people do take the ABA's well-intentioned message to heart, then less risk-adverse individuals will step up and take their place.

Step back and analogize for a moment. Telling Americans not to buy homes they could not afford was not very effective. Telling banks not to take on risk they could not manage was not very effective. Or even more simply, telling teenagers not to have sex is not very effective. The individual will always believe that they will not bear the brunt of collective risk; even if they do, they may find the possible rewards too alluring to turn away.

Because while opportunities seemingly exist, who wants to be left behind? The lessons of the last few years, stemming all the way back to the 1980s, is that those who succeed take are those who take risks. Many who take risks do not succeed, sure, but they only path to real victory is paved with uncertainty. And given the number of people who are falling out of the American middle class and losing pensions, it is hard to imagine a future of simple, risk-adverse stability. "Betting the farm," seems more appealing when the farm is unlikely to be worth very much in the future.

Working through to this conclusion, though, there are two big picture

issues I do not hear or see discussed much in the halls of the law school or in blogs and articles on the topic.

First, I think we forget that the law schools did something very noble in the last few decades. They threw open their doors to diversity. They may not have changed the structure for getting to success once in law school, but they created a footpath for those who were traditionally shut out.

The law schools allowed minorities, women, and the economically disadvantaged to believe that they too could succeed in this field. What we see today on the gristmill are the hopes and dreams of those who before did not dare to dream. Our numbers are up, but if law school numbers go down, who will be the first to be shut out? Law schools are not likely to cut their diversity ratios nor should they, but when the message from the ABA becomes one of "stay out," those who were traditionally shut of the workforce out before may be the first to disappear from law school.

To their credit, many firms also worked hard to embrace diversity too. But as we saw in the so-called bloodbaths of 2008, which created our now-labeled lost generation of attorneys, minorities were the first to leave firm work, and women all too often became non-equity partners if they stayed. We have a mismatch, and until there is more coordination between the job market and training, more and more well-trained intelligent people are going to fall through the cracks.

Second, coupled with the reality that people will not stop coming to law school under the status quo, the profession calls out for structural change. There are many options for this. The first would be painful: the ABA could cut back school accreditation. Better, we could start to think about creating a tiered system of certification. We continue to worry about law schools, but we don't really reconsider the fundamental institution of the bar. The world has gotten bigger and more complicated, compounded year on year. Most other industries have had to stand up and take notice. And yet, there remains a cookie-cutter approach to being bar certified. We love the myth that any

intelligent attorney can practice in several different subfields throughout their life. Reality suggests, however, that the law is a profession of niches, often niches that people simply fall into without any real choice.

Thinking about the same thing another way, international human rights lawyers do not need the same training as patent attorneys. But they both need more depth of experience in their own areas of expertise, and they would both benefit from mentoring or apprenticeship. Instead of closing the doors, we should be thinking about how to open other ones. Otherwise, the dreamers who have little hope elsewhere will continue to clamor to enter.

To address this reality, we can break up education, certification, and law practice in any number of ways. Which ways, however, would require significant thought and discussion, but it may be the future of the law. Because the alternative—continuing to believe that attorneys should be jacks-of-all-trades—is tantamount to burying one's head in the sands of time. That, unfortunately, is unlikely to forestall change; it will only make change less manageable and more surprising.

Bottom line: admission and tuition rates are a symptom of something bigger within law that will need to change. Change is hard and painful. But until we start addressing deeper fundamentals, the symptoms will rage on.

These symptoms hurt more now because we are all experiencing America's second Great Depression. Take issue with that if you like, but 2010 was the worst year for jobs since the first Great Depression. America, as a whole, is hurting. Stepping back a little, what would someone do if they didn't go to law school? The soundest investment anyone can make may be in themselves and in their education. Loans may come due, homes may be foreclosed, and we all may be out of work for endless days. So is everyone else, but at least for now no one has figured out exactly how to repossess a law degree.

**INTERESTED IN SERVING AS A JUDGE ADVOCATE?
THE GEORGE WASHINGTON MILITARY LAW SOCIETY WILL BE HOSTING THE
NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS AS THEY HEAR
ORAL ARGUMENTS REGARDING A COURT-MARTIAL**

When: Tuesday, January 25, 12 p.m.

Where: Burns Moot Court Room, with overflow seating in LL101.

A reception with court members and oral advocates will immediately follow oral arguments.

No RSVP necessary; questions may be directed to smgentine@law.gwu.edu.

OPINIONS

The Money Pit

By MONA PINCHIS
Staff Writer

January can be a tricky month: a time for new resolutions, budgets, plans, and agendas. This year, instead of waiting for clients to report on new business strategies, I wait for grades. I spent a lot less this holiday season than expected – maybe because I didn’t get myself an iPad for Christmas. Like any student, my goals for controlling my money supply rank high in my daily life. But my money management concerns are miniscule when compared with the ongoing debate over whether and how to set legislated rules that instruct the monetary authorities to maintain a stable price level. Consider the concern over the bailout of another European national bank this week fresh off the heels of the Irish and Greek bailout. Bloomberg reported that the European Central Bank’s (ECB) financing to Portuguese banks rose in December to 40.899 billion euros (\$53.5 billion) up from 37.935 billion euros in November. Worries that government-funding costs are becoming unsustainable are growing. The next question is whether the ECB should cut off its

financial support for Portugal and allow the International Monetary Fund and European Financial Stabilization Facility to take over. One more bank in trouble has led to troubling forecasts. Talk that Spain may be next led to Nobel-winning economist Christopher Pissarides stating, “[t]he European Union doesn’t have the resources to rescue Spain if it ‘collapses,’ an event that could lead to the end of the euro.” Pissarides is not alone in thinking that we are in dire times. On January 7, 2011, Jean-Claude Trichet, President of the ECB, delivered a speech, entitled “Economic and Monetary Union: What we have achieved and what we must do next.” In his speech, President Trichet strongly cautioned that “[m]onetary policy responsibility cannot substitute for government irresponsibility.” President Trichet also called for a rally of Europe’s leaders to make some “tough and courageous decisions” in 2011. President Trichet asked for a “quantum leap” in economic governance, and argued for a new surveillance framework built on “three principles – one of

independence, transparency, and consistency of words and deeds.” By Friday, January 14, 2010, fears abated after Japan and China pledged to buy bonds issued by Europe’s financial-aid funds; successful Portuguese, Spanish and Italian bond auctions appear to have brought back a sense of optimism. But, the structural and managerial issues from rising government debt levels continue to pose problems for policy makers and politicians alike. An American and European discussion on monetary policy evidences very different strategies and goals. Each government faces its own unique challenges, yet all governments do remain dependant on one another, and must come together to balance their economic techniques. Last month, the Peterson Institute for International Economics offered an interview with Nicolas Véron on the “Dangerous Dysfunction of Europe” and he provided an intelligent assessment of the American and European economic and political perspectives: “I wouldn’t say that there are necessarily fundamental differences

of philosophy between the United States and Europe, but they’re addressing problems [that] have ceased being broadly comparable. So they are on different tracks in terms of policy thinking because their minds are concentrated on different things. And this is, of course, an environment [that] can easily be conducive to mutual misunderstanding and finger-pointing.” Ultimately, I am inclined to believe that developed countries seeking to solve the current economic instability must come together and participate in consistent dialogue. Many lawyers, economic analysts, investors also continue to point out how misguided certain policies are towards accountability, correction and stability. Perhaps because beneath that surface lies an inescapable reality: many policies are about politics and not legislative rules. I can relate to this. When I finished my one-year legal apprenticeship in Canada, one of my professors sent me a book titled “The House of God” by Samuel Shem. It’s required reading for many graduating medical students. Think House with a bit of Catch-22. The book follows a young doctor and five fellow interns in a one-year teaching hospital. It reveals how inglorious, frustrating, painful and tragic the journey towards becoming a good doctor can be for a young student. The key ends up being self-sustainment. In a small note, my professor wrote: “It’s a book every law student should read too.” The young doctor wakes up every day feeling a mix of contempt, confusion, and ends up worrying that the year left him more bitter than when he started. The competition is relentless; the days become lost in one long year. I won’t spoil it for those about to hit up a bookstore, but here is the advice he received the day after he left the hospital (for good): “Your whole life has been a growing from the outside, mastering the challenges that others set for you ... this year’s been a latency trip: during your internship, with all of you scared and brutalized, the caring in your bunch of guys sustained you.” Eventually, the layers of bitterness will peel off. As frustrating as trying to understand their different backgrounds and priorities can be, one day these scared and bitter kids became fantastic surgeons. A big part of the book was that every day is going to be a new one. Plus with every read, I always think that one of us can be the next great policy maker of the year, and I know these days will all be worth it.

The SBA Senate
Student Wellness and Programming Committee
proudly presents

WELLNESS WEDNESDAYS

A new series of weekly and monthly programming aimed at promoting a continuing culture of mental health and wellness at GW Law.

Stop by the SCC Conference Room every Wednesday at 11:10 am for **Mindfulness Meditation** with Dr. Sümer-Richards.

Then, come with your friends to the Jacob Burns Moot Court Room on Wednesday afternoons for:

1st Wednesdays:
Cooking Competition

2nd Wednesdays:
Mental Wellness Roundtable

3rd Wednesdays:
Team Trivia Competition

4th Wednesdays:
Wii Sports

E-mail Nick Nikic at nnikic@law.gwu.edu for more information, or to volunteer!



FEATURES

DAVID MUELLER

A Sporting Vacation

I believe in honesty. So... I'm skiing right now, but my "editor" said that if I don't produce a column... no lasagna for me. Thus, 2011 is off to a spectacular sports start. Auburn has a national title for the decade until the NCAA decides to investigate Cam Newton. Alexander Ovechkin proved that he can score from his keester. Joe Flacco had a fourteen point second half lead, remains "that guy who sort of looks like the lead singer of Maroon 5," and has yet to move on to "elite NFL quarterback."

Furthermore, as I'm a few brews down, I won't pretend that I did my usual research and fact checking. So naturally, I will be talking about baseball, baby! In honor of full disclosure, this article started as a Nationals column. I will live in DC for at least another fifteen months, so I saw this as an opportunity to get to know the local team of my favorite sport. It sounded fun, but with apologies to Sam Cowin and Cam Jenrich, the Nationals are boring.

You know what isn't boring? Carlos Beltrán. Ok boys and girls, be careful with that chilly porcelain, I'll set the Delorean, and let's go back to 2004. Beltrán, then twenty-seven, had just finished one of the historically great seasons by a center fielder. He finished two home runs shy of joining the 40-40 club. He hit roughly ninety-four home runs against the Cardinals in the NLCS, including a 900 foot shot off the glass in Enron field, splintering the plexiglass and my self-awareness.

Beltrán then signed a Mets megadeal worth \$119 million over seven years. As a reminder A-Rod signed his ten-year \$252 million Rangers deal one year removed from his 1999 40-40 season. Well, Beltrán had it all: money, the New York market, and media doting. Beltrán was the pure baseball player--the five tool player. He hit for power. He hit for average. He could steal bases. He had a plus glove and a plus arm.

On a personal note, this made me soooooo happy. A guy who had just dominated my beloved Cardinals and lost had just signed with one of the top three most hated teams (with the

Yankees and Cubs). Plus he had just signed the übermegadeal. The stage was set for a decade of sports hating.

But then he unexpected happened. Beltrán turned out to be... just ok. He has had one top ten MVP season since 2005. He battled injuries. He stopped stealing bases. He turned into a guy with doubles-power. This actually has bummed me out. I think you should know by now that I value excellence in sport above all else. Most importantly, I can't really sports-hate him. You don't sports-hate Rickie Weeks. You sports -hate super stars like Jeter or Griffey or Bonds or Ortiz (notice that those players need only one name).

So what happened? How did a five-tool player in his prime worth over \$100 million fall so far? As you may have guessed, I have a theory. Five tool players are twenty-six-year olds. Baseball players, like all athletes, must evolve as they age to sustain excellence. Beltrán will be thirty-four next season, and I wonder if he's trying to be a twenty-six year old baseball player in a thirty-four-year old body.

I'd love to bring up Mays and Mantle because they were too center fielders, but let's stick to the rules. I will only talk about players who I have seen play after 1995 so that I can pretend like I know what I'm talking about. So let's think about Jim Edmonds. He was a five-tool player with the Angels. But then he developed a big power stroke with the Cardinals, dropped the average a bit, and relied on his speed less. In other words he became an player with older skills. He parlayed that into a major league career as a forty-year old, leaving gracefully as a platoon corner outfielder with the Brewers.

Now I don't know what lies in store for Beltrán, but I know he needs to change. Wow. That article ended abruptly. Now for my punishment: I promise to remember deadlines. I promise to remember deadlines. I promise to remember deadlines. I promise to remember deadlines. I promise to remember deadlines. I promise to remember deadlines....

JENNETTE GRAY

Swing Vote
America's Next Chapter

They descended on Washington. Partly in the name of productive discourse, partly in the name of good television, Tavis Smiley and his panel of eight came to Lisner Auditorium January 13 for a three hour discussion about America's Next Chapter.

Tavis Smiley, politics, DC—there's nothing new about the mix. And, ironically, there's nothing new about the name of Smiley's "new" agenda. The event, brought to George Washington University courtesy of Nationwide Insurance and slated to be presented on NPR, PBS, and C-Span, bears a title that resembles that of a 2008 publication written by Peter Kaminsky and former Republican Senator Chuck Hagel, "America: Our Next Chapter."

Coincidence or not, both the book and the discussion aim to ask the tough question—or questions—about how America can "return to her greatness" —or if you agree with panelist, writer, activist, and Princeton professor Dr. Cornel West, how we can "make America greater."

The importance of education, taking care of our poor and middle class, race, and immigration seemed to be underlying themes for the panel that included "The Huffington Post" founder Arianna Huffington, CNBC anchor Maria Bartiromo, former Bush speechwriter David Frum, "The Washington Post" columnist Dana Milbank, CBN Correspondent David Brody, Voto Latino founder/executive Maria Teresa Kumar, and chairman of the Committee of 100 John Chen in addition to West.

But, there was also another running theme. They all seemed to agree that our current system of government is broken. There was no real consensus on how, just allusions to the growing absence of civility in Congress and the need to stop labeling politicians and pundits as "left-wing" and "right-wing." Smiley's panel also lamented the thought of "Clintonian Politics," the idea of a politician adopting the ideas of the opposing side and accepting the best deal possible instead of the best deal period.

West indicated it should be no surprise that our system of government is broken since it is based on what he labeled "a pro-slavery document," pointing out that for the many years slavery existed in America there was no mention of it in The Constitution.

I am inclined to agree with the need for civility and the need to stop labeling. But I'm not sure if the absence of a mention of slavery in the U.S. Constitution is an endorsement or simply an unwillingness to deal with an issue that was not yet ready to be dealt with.

And, I don't believe our system of government is broken. I believe our understanding of how our system of government works is broken.

There is a misguided notion that our thinking is homogeneous, that everyone wants the same thing or that the most vocal opinion is the majority opinion—or the right one. And, over time it seems there's been a growing sentiment that lawmakers should never listen to the other side, never allow the other side's interests to take hold.

But, this country was built on a foundation of compromise. The framers uniquely laid out our government to take into account the differences that were sure to arise. That's the purpose for the "system of checks and balances." That's how bills are passed.

If every Senator or Representative—or the President—held out for everything they wanted, no one would ever get anything they needed. We are seeing the proof of that now.

In November 2008, we elected a lot of junior Senators and new Representatives. They had and have no bargaining chips—with each other or the long-standing members of Congress. How do you get those? You make deals. You learn to prioritize your agenda—your constituents' agenda—and work backwards.

See Next Chapter on Page 8

A.J. KORNBLITH

Korn Feed

NOW THAT WE HAVE WELLNESS WEDNESDAY (PROMOTING ALCOHOL-FREE SOCIAL ACTIVITIES)

IN ADDITION TO THIRSTY THURSDAY (PROMOTING ALCOHOLISM)

WHAT OTHER DAY DESCRIPTORS CAN WE LOOK FORWARD TO?

METH MONDAY
START YOUR WEEK WITH A KICK!

I JUST READ 157 PAGES OF PROPERTY IN 5 MINUTES!



TORPID TUESDAY
TAKE ADVANTAGE OF DESIGNATED NAPPING AREAS! (PICTURED BELOW)



FANTASTICAL FRIDAY
WITH ALL MANNER OF MAGICAL CREATURES!



FEATURES

JACK ALWOOD

Life as a Lowly 1L 1L Part Two: The Sequel

For those 1Ls actually reading this and everyone else who chortles at our feeble existence, we dive headfirst into the next chapter of our story, 1L 2: The Sequel. We happy few who conquered the daunting peak of last semester, have more to look forward to this spring than ever before. For a quick rundown, we have a new slate of classes, two more memos, an oral argument, journal competition, Thirsty Thursdays, Mock Trial, your Aunt's second wedding, finding a summer job, Moot Court, and most importantly the NFL playoffs. I tried describing all this mounting distress to a professor; he told me to "quit whining" and "please focus on the case we are discussing."

I pondered my prof's statement and thought about whether or not we 1Ls are just whining. My Professor saw my puzzled expression, looked around the rest of the class, and then realized that he hates his job. Just kidding. But I did ponder, and I decided to try and put some perspective on the trials and tribulations that lurk ahead this semester. Is it a lot? Yes. Is it impossible? Probably. Can you do absolutely everything well while still maintaining a social life and inner happiness? Only if you have a secret twin to split your life with like Christian Bale from *The Prestige* (Sorry for any spoilers but the movie has been out for four years).

I considered ways to research how to accomplish everything while remaining un-stressed, and my recent Lexis research trainings did not help. I realized there might be some good materials and literature in different departments of the school for me to look through. This, however, seemed like a lot of work, so I went through the time tested method of bothering some upperclassmen while they tried to eat lunch, and making the rest up. The results are a few simple rules and strategies for not only surviving this semester, but taming it like an unruly bull.

DON'T PANIC about finding a summer job. This is currently the Number One stress of other 1Ls. Yes, the uncertainty is bad, and we all want a good internship, but I'll let you in on a little secret. We are going to work for free, someone will want free worker bees to lick envelopes and watch lawyers work for a summer. If you are someone who needs a paid internship, please resume your panic now.

Get some sleep. Seriously though, the scheduling gods see fit to laugh, at least at my section, and I am sure the rest of you don't have anything better. Nothingsays "exhausted" like stumbling to Friday morning classes after Bar Review, on top of getting no sleep all week. As if you need any more reason, sleep makes you more attractive to the opposite sex, and all the cool kids are doing it. Maybe I made that last part up.

Don't stress about the competitions. All of the competitions should be fun and interesting. Or so the biased board members tell us. The scary part is, they may be right. Just follow Uncle Jack's plan for stress free Mock Trial/Moot Court: 1) Don't try hard or prepare. You will be speaking publicly, and it will look more natural if you wing it; and 2) put in a request with the board of the appropriate competition to face my team. It is that easy. In all seriousness, this should be an interesting learning process. Don't worry yourself over it. Grades are more important. On that note...

Stop freaking out about grades. They're going to come out soon enough. You can't change them, it's over. Some of you say "Well I need them to apply for jobs." To that I say: Bad News: Once the employers see our grades, they won't hire us anyway. Truth hurts. I have addressed this problem by not applying for any jobs, so that when my grades come out, my applications won't be instantly denied. Good News: If you earned good grades last semester, keep trucking. If you didn't you have five semesters to bring your grades up. Also, try to convince the high achievers that the law is not for them and they should drop out to pursue their dreams.

Always keep perspective. No matter what happens, we are all (relatively) capable people who have some form of higher education. If all goes to hell, the stress gets to you, or you just don't enjoy law school, you can still get a regular (read: probably not as well paying) job and be just fine. Whenever you despair, just think of the American classic *The Grapes of Wrath*, where thousands of families had to uproot their lives and struggle against all odds just to survive. Law school may be the most difficult thing we have ever faced, but in the scheme of things, don't forget that it is less *The Grapes of Wrath* and more *The Raisins of Mild Frustration*.

JAIME BUGASKI

Hollywood Legal

I'm a little embarrassed to admit this, but, yes, I was an avid *Frasier* devotee. There was just something about an uptight psychiatrist in his forties living with his father in a Seattle penthouse that really appealed to my thirteen year-old sense of humor... Well, maybe it was more like my parents controlled the remote, and I would watch anything so as to avoid going to bed. With thinning hair and a bit of a paunch, Kelsey Grammer was not really my type (we've previously established that my type is Taylor Lautner) but he seemed likable enough. Amazingly though, "likable enough" means that, at fifty-five, he has scored himself a petite, blonde girlfriend—a sweet thing still in her twenties. Chalk it up to money and fame. And a stylin' collection of beige blazers.

Just one problem with his new romance—Mr. Grammer is still technically married to his wife, Camille. Predictably, things have gone the way that these things do in Hollywood. Kelsey petitions the court for a divorce. Camille lobs allegations of cross-dressing and joins the cast of *The Real Housewives of Beverly Hills*.

The Grammers are not alone in their domestic woes. 2010 was another banner year for divorce in Tinseltown. Christina Aguilera and Jordan Bratman, Melissa Ethridge and Tammy Lynn Michaels, Eva Longoria and Tony Parker, and, big surprise, Charlie Sheen and Brooke Mueller. This presents a great segue for a discussion of divorce, specifically divorce in the community property-loving state of California.

Just a quick property recap, for all of us 3Ls for whom Blackacre is just a hazy memory: States vary in the way that they divide marital property in the event of a divorce. Most states follow a common law approach in which property is divided based on principals of equity or fairness. Generally, property acquired by one spouse belongs solely to that person unless the property is specifically put in the names of both. This is in sharp contrast to a community property regime in which most property acquired during the marriage is considered jointly owned by both spouses and divided equally between them when the love is lost. Only nine

states have adopted this method. Unfortunately for rich celebs with stay-at-home spouses who have been scorned, California is one of them.

I know what you're thinking—how much money could Kelsey Grammer possibly be pulling in these days? After all, *Frasier* was cancelled in 2004. Syndication, folks, syndication. Also, though he didn't marry Camille until after the show began, they were together during his most profitable years when he was making \$1.6 million per episode. Including real estate, the Grammers' net worth is estimated at about \$100 million.

Under California law, a divorce can become final six months after the petition is filed. Apparently, Kelsey didn't want to wait that long though so he requested that the proceedings be bifurcated (in non-lawyer speak—he asked for a quickie divorce). Bifurcation allows for the termination of the relationship to precede the resolution of other matters, like financial arrangements. Unsurprisingly, Camille isn't going to let him just run off and marry his new girlfriend without a fight. She responded by filing a declaration requesting that the court deny her husband's request. In the document, she asserts that "terminating our marital status may result in incalculable problems, given the substantial size of our community estate..."

What lessons should we take from Kelsey and Camille? First and foremost, if you're planning to trade in your spouse for a younger and perkier model, be prepared to pay for the upgrade. Second, make sure to get married in a state with a sympathetic property regime. Or you could take a simple lesson from Charlie Sheen—get married wherever you want, just make sure to get a pre-nup.

CHRISTEN GALLAGHER

Snippets



THE BACK PAGE

ON THE DOCKET

law school events

Thursday, January 20

Asian GW Law School Alumni Networking Happy Hour

Asian GW Law School alumni and students are invited to join the South Asian Law Student Association and the Asian/Pacific American Law Student Association for a networking happy hour with other Asian students and alumni. RSVP by Monday, January 17th.

6:30 p.m. - 8:30 p.m., Tonic at Quigley's Pharmacy, 2036G Street, NW

Thursday, January 27

Book Event: "The Hellhound of Wall Street"

Professor Michael Perino of St. John's University Law School will be discussing his new book, *The Hellhound of Wall Street*. There will be a reception and book signing following the discussion.

5:30 p.m. - 8:00 p.m., Faculty Conference Center

Thursday, February 3

Evening Lecture with Ruth Bader Ginsburg and NPR's Nina Totenberg

Though not technically a law school event, it's obviously related (and awesome). Tickets must be purchased through the Smithsonian Resident Associates Program.

7:00 p.m., Lisner Auditorium

Wednesday, February 9

Lecture with Anne Gallagher

Anne Gallagher, Advisor on Trafficking, UN High Commissioner for Human Rights will be giving a lecture, with Professor Naomi Cahn presiding.

4:00 p.m., Faculty Conference Center

Horoscopes

CAPRICORN (DEC. 22 - JAN. 19)

You will feel a sudden urge to garden. Too bad you live in the Aston, where the immediate neighborhood is sad and gray.

AQUARIUS (JAN. 20 - FEB. 18)

You sexiled your roommate during the ski trip without warning, now they hate you.

PISCES (FEB. 19 - MAR. 20)

Still loving Bananas in Pajamas. Guess it wasn't just a phase, was it?

ARIES (MAR. 21 - APR. 19)

You are considering quitting law school and applying to med school. Why? Don't ask me.

TAURUS (APR. 20 - MAY 20)

Steve Jobs has selected you to take over for him at Apple while he's on medical leave. You're a diehard PC person. This... could be fun.

GEMINI (MAY 21 - JUNE 21)

This apparently is no longer your zodiac sign. Which makes that tattoo you have on your back kind of awkward, doesn't it?

CANCER (JUNE 22 - JULY 22)

You will get a PSRP interview, but the job will go to the Georgetown kid.

LEO (JULY 23 - AUG. 22)

You've come to terms with the prospect of long-term unemployment, and have begun readying yourself a underground shelter with lots of canned foods and water. Or you could just start a cupcake business, like every single law grad with an "alternative" career.

VIRGO (AUG. 23 - SEPT. 22)

Good luck on the Journal Competition. You're going to need it.

LIBRA (SEPT. 23 - OCT. 23)

For the next few weeks, conduct your life by following all the advice in magazines like Cosmo and Glamour. See how many friends you have left at the end of your experiment.

SCORPIO (OCT. 24 - NOV. 21)

You will get a high paying summer job. Prepare to buy all of your friends working public interest jobs drinks.

OPHIUCHUS (WTF)

You were born after 2009, and have no business reading this paper.

SAGITTARIUS (NOV. 22 - DEC. 31)

Your appellate brief will contain one glaring citation error.

From Next Chapter on Page 6

The more important the item the more chips it's going to take to get it passed. You bend—or break—on the mole hills that really are of little consequence to those you represent; then, you dig your heels in and stand your ground on the mountains. The trick is knowing who you represent and being able to relate to them.

So, maybe a little dash of "Clinton-ian Politics" wouldn't hurt.

In the wake of everything our country has been through in the last few years, it's

good that Tavis Smiley wanted to ramp up the discussion. It's not so good that it seems to always be the same conversation.

In my opinion, America's Next Chapter should start with the collective ceasing to blame the individuals—i.e. big banks caused the financial collapse, Sarah Palin, Rush Limbaugh, and other outspoken people caused an irrational man to do an irrational thing.

Truth is, we are all to blame for the current pages in the book of America. After all, that "pro-slavery document" West alluded to does start with "We, the People..."